

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

-----X
UNITED STATES OF AMERICA

vs.

13-CR-87

TERRELL WRIGHT,

Defendant.

-----X

Transcript of a Sentencing held on April 16,
2014, at the James Hanley Federal Building,
100 South Clinton Street, Syracuse, New York, the
HONORABLE FREDERICK J. SCULLIN, JR., Senior Judge,
Presiding.

A P P E A R A N C E S

For The Government: UNITED STATES ATTORNEY'S OFFICE
P.O. Box 7198
100 South Clinton Street
Syracuse, New York 13261-7198
BY: CARLA FREEDMAN, ESQ.
Assistant U.S. Attorney

For Defendant: FEDERAL PUBLIC DEFENDER'S OFFICE
NORTHERN DISTRICT OF NEW YORK
4 Clinton Square
Syracuse, New York 13202
BY: MELISSA A. TUOHEY, ESQ.

*Jodi L. Hibbard, RPR, CSR, CRR
Official United States Court Reporter
100 South Clinton Street
Syracuse, New York 13261-7367
(315) 234-8547*

1 (Open Court, 11:19 a.m.)

2 THE CLERK: Case on for sentencing is United States
3 of America versus Terrell Wright, 13-CR-87, appearances for
4 the record.

5 MS. FREEDMAN: For the United States, Carla
6 Freedman, good morning, your Honor.

7 THE COURT: Ms. Freedman.

8 MS. TUOHEY: Good morning, your Honor, Melissa
9 Tuohey on behalf of Terrell Wright who is also present.

10 THE COURT: Ms. Tuohey, Mr. Wright. Why don't you
11 step forward, please. Ms. Freedman, the court, having
12 reviewed the record thoroughly and the submissions
13 thoroughly, I'm considering a departure from the career
14 offender position, you're entitled to notice on that. Do you
15 want notice to address that issue?

16 MS. FREEDMAN: No, your Honor, I appreciate the
17 notice you're giving, the government will abide by and
18 respect whatever the court thinks is appropriate in this
19 case.

20 THE COURT: All right. Fine, then we'll proceed
21 then. Mr. Wright, you know this matter is on for sentencing
22 today. As I stated, I've received a presentence
23 investigation report, reviewed that thoroughly, I understand
24 you have reviewed that with your attorney. Are there any
25 objections to the report?

1 MS. TUOHEY: The objection that we filed was
2 addressed in the addendum to the presentence report, your
3 Honor.

4 THE COURT: All right. And I have that as well.
5 So you have no objections as to knowledge?

6 MS. TUOHEY: No, your Honor, thank you.

7 THE COURT: Ms. Freedman, you have any objections
8 on behalf of the government?

9 MS. FREEDMAN: No, there are no objections, your
10 Honor, thank you.

11 THE COURT: All right. Do you wish to be heard now
12 before I impose sentence?

13 MS. TUOHEY: Just briefly, your Honor. As set
14 forth in our sentencing memorandum, we're pleading with the
15 court not to apply the career offender guideline in this case
16 based upon the arguments that we set forth. The purpose
17 behind the career offender guideline, specifically that the
18 prior convictions involved here that cause Mr. Wright to be
19 subject to that, the first one occurred nine years ago and
20 included only 3.4 grams of crack cocaine. Granted, he does
21 have this history, but I think the purpose behind the
22 guideline really was intended for people other than
23 Mr. Wright, like high level drug traffickers, not people that
24 are dealing drugs in order to support their family, which is
25 exactly the case here for Mr. Wright. In fact during his

1 plea of guilty with this court when the court asked how he
2 supports himself, he was very candid and said selling drugs.

3 Your Honor, it's not that -- a sentence without the
4 career offender guideline still subjects him to a very
5 significant amount of time, between 12 and 14 years. He's
6 now 29 years old, he's the father to three young boys who are
7 here in the courtroom today.

8 There is no question, your Honor, that what
9 occurred in this case was very dangerous and terrifying to
10 the officers involved. I think Mr. Wright's letter that he
11 wrote to the court that is attached to the presentence report
12 really gives an exceptional explanation of what his mindset
13 was that day. Once he realized the gravity of what he did,
14 he dropped that gun and he ran. He did not intend to pull
15 that gun on police officers, he didn't realize who was in the
16 car, he explains he's had -- has a history of being assaulted
17 and in fact was shot once and that's why he had the gun on
18 him that day. Granted that's not an excuse, he just wants
19 the court to know his mindset.

20 He has huge family support that is here in the
21 courtroom, they all wrote letters on his behalf. I think
22 it's really telling that none of them say that he doesn't
23 have to pay the consequences for his actions, they know that
24 he does, they just want the court to know the other side of
25 him beyond this offense. We're hoping that the court will

1 take all that into consideration today, your Honor.

2 THE COURT: All right. Mr. Wright, you have
3 anything you wish to say yourself?

4 THE DEFENDANT: I would just like to apologize to
5 the arresting officers that I pulled the gun on that day,
6 sir.

7 THE COURT: As you should. Ms. Freedman.

8 MS. FREEDMAN: Your Honor, I know the court
9 reviewed the sentencing memorandum that I filed on
10 March 24th, we were asking that you sentence the defendant
11 within his advisory guideline range which, while correctly
12 calculated, puts him in a career offender status. As I
13 indicated earlier, the government does not have any objection
14 if this court sees reasons to not apply the career offender
15 guidelines at this point.

16 THE COURT: All right. Thank you. As I stated,
17 the court has reviewed and I've considered all the pertinent
18 information including the presentence investigation report,
19 its addendum, submissions by counsel, Sentencing Guidelines,
20 and various factors under 3553(a). I will adopt the factual
21 information and the guideline applications as contained in
22 the report. That makes the total offense level 34, criminal
23 history category VI, guideline range 262 to 327. It includes
24 the mandatory minimum term of 84 months imprisonment on
25 Count 2.

1 Now, after considering all these factors in
2 3553(a), the court decides it's appropriate to depart since
3 it finds that a sentence below the advisory guideline range
4 is sufficient but not greater than necessary to accomplish
5 the goals of sentencing. Specifically, the court finds that
6 career offender guidelines results in an advisory guideline
7 range that overstates the criminal history and criminal
8 conduct here. I think absent the career offender, there's an
9 appropriate range that adequately accounts for defendant's
10 conduct and so therefore, upon your plea of guilty to
11 Counts 1 and 3 of the indictment, it's the judgment of this
12 court that you're hereby committed to the custody of Bureau
13 of Prisons for a term of 168 months. This term consists of
14 84 months on Count 1 to be served concurrently -- 1 and 3 to
15 be served concurrently to one another and 84 months on
16 Count 2 which shall be served consecutively. I've considered
17 your personal history, background and other factors here.

18 And insofar as you're able to participate in drug
19 treatment while you're in prison, you should do so and I'll
20 recommend that.

21 On your release from prison, you'll be placed on
22 supervised release for a term of five years, standard
23 conditions will apply. That has to do with Counts 1 and 3
24 and as well as five years on Count 2, all will be served
25 concurrently.

1 Again, on your terms and conditions of release,
2 when it does occur, you'll be placed in some sort of a
3 program, be evaluated at the time, it may mean a drug
4 treatment program, it may be mental health treatment program,
5 whichever, you'll have to comply by the direction of
6 probation at the time.

7 The court will not impose any fines. You have a
8 special assessment of \$300 due at this time.

9 You have a right to appeal. Any notice of appeal
10 must be filed within 14 days. You are remanded to the
11 custody of the marshal in accordance with the terms of this
12 sentence.

13 Mr. Wright, you were involved in some extremely
14 dangerous conduct here. Nothing is more offensive to this
15 court and the judicial system than you when you attempt to
16 use a weapon, especially at a law enforcement officer. I
17 don't know why you did this, but your entire life to this
18 point in time has been destructive. Your conduct has been
19 self-destructive. You've been involved with weapons since
20 you were 14 years old. You're going down a one-way street
21 and if you were left on the street in the next 10 to 14
22 years, you'd be dead, guarantee you.

23 Now you've got 14 years in prison here, you can get
24 some good time with that if you do the right things, get some
25 time off, but you're going to spend some time, you're going

1 to think about whatever you have left of your life, what
2 you're going to do with it. And you've got a chance here, in
3 that time, obviously to change your life entirely, come out
4 of there a better person, take your place in society and do
5 the right things. Those street gangs and the street life
6 you're living is nothing but a one-way street, as I said, and
7 you're not going to live through that. You understand?

8 THE DEFENDANT: (Gesturing affirmatively.)

9 THE COURT: Those that are out there still doing
10 that, they won't be around, when you're out of prison. I
11 guarantee you that. So make up your mind, turn your life
12 around, do the right thing. You've got time to think about
13 it. You're lucky you didn't get a lot more time than that,
14 but I think you have, given your age, given the circumstances
15 here, you've got a chance to do something with your life, I'm
16 going to give you the opportunity. All right.

17 MS. TUOHEY: Thank you, your Honor.

18 THE COURT: Anything further?

19 MS. TUOHEY: No, thank you so much.

20 THE COURT: Thank you.

21 THE CLERK: Court is adjourned.

22 (Court Adjourned, 11:27 a.m.)
23
24
25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

CERTIFICATE OF OFFICIAL REPORTER

I, JODI L. HIBBARD, RPR, CRR, CSR, Federal Official
Realtime Court Reporter, in and for the United States
District Court for the Northern District of New York, DO
HEREBY CERTIFY that pursuant to Section 753, Title 28, United
States Code, that the foregoing is a true and correct
transcript of the stenographically reported proceedings held
in the above-entitled matter and that the transcript page
format is in conformance with the regulations of the Judicial
Conference of the United States.

Dated this 28th day of April, 2014.

/S/ JODI L. HIBBARD

JODI L. HIBBARD, RPR, CRR, CSR
Official U.S. Court Reporter